

REMARKS

Summary of the Amendment

Upon entry of the amendment, Claims 1, 2, 9, 10, 11, 13, 14, 15 and 16 will have been amended. Claims 1, 2, 5, 6, 9-16 remain pending in the application.

Election of Species

The Examiner requested that, in accordance with 35 U.S.C. §121, Applicant elect one of four (4) different species of the claimed invention for initial prosecution on the merits.

During a telephone conversation with the Examiner on October 19, 2006, the Applicant's attorney made a provisional election with traverse to prosecute the invention of Species II, as shown in Figures 7-11 and directed to Claims 1, 2, 5, 6 and 9 through 16. Consistent with this election and by this Amendment, Applicant has withdrawn Claims 3, 4, 7, 8, and 17-24 from consideration as each being directed to a non-elected species. Claims 1, 2, 5, 6, and 9 through 16 remain in prosecution and are each directed to the elected Species II.

Summary of the Office Action

In the Office Action, Claims 9, 10, 11 and 14 were objected to because of a lack of antecedent basis. Claims 1, 5, 9, 10 and 14 are rejected under 35 U.S.C. § 102(b) as being anticipated by Gould, United States Patent No. 5,621,951 (hereinafter, "Gould"). Claims 1, 5, 6, and 9 are rejected under 35 U.S.C. § 102(b) as being anticipated by Herman, United States Patent No. 5,542,157 (hereinafter, "Herman"). Claims 11, 12 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gould in view of Herman. By the present amendment and remarks, Applicant submits that the rejections have been overcome, and respectfully requests reconsideration of the outstanding Office Action and allowance of the present application.

Traversal of Rejection Under 35 U.S.C. § 102(b)

Applicant traverses the rejection of Claims 1, 5, 9, 10 and 14 under 35 U.S.C. § 102(b) as being anticipated by Gould.

A. Review of GOULD

GOULD is directed toward a device for covering and concealing buttons that employs a first horizontal plate having at least one opening in a central circular region that is connected to the periphery of the plate by a slot in the shape of a trapezoid. *Col. 2, Lns. 21-26*. The plate is secured to a circular cylinder by a hinge that is attached to the periphery of a plate and the cylinder. *Col. 2, Lns. 26-29*. The circular cylinder is closed on its open end by a second horizontal circular plate. *Col. 2, Lns. 29-30*.

The open end of the cylinder and the circular plate are provided with detachable locking engagements in the form of first and second equidistantly spaced prongs located on the circular plate that extend upward at right angles to the plate and first and second equidistantly spaced tubes located on the cylinder that are parallel to the axis of the cylinder and secured to the inner surface of the cylinder. *Col. 2, Lns. 41-46*. Each equidistantly spaced tube further comprises a prong recess adapted to receive and contain the corresponding prong. *Col. 2, Lns. 46-50*.

B. In re independent Claim 1 (and dependent Claims 5, 9, 10 and 14)

The Examiner indicates that GOULD anticipates Claims 1, 5, 9, 10 and 14. The Examiner states that GOULD teaches an accessory device comprising a base and a display object, the base having an opening that extends partially through the base with the opening sized so as to extend axially over and frictionally engage the button. The Examiner further states that GOULD discloses a display object that is attached to the base.

Applicant's Claim 1, as amended, requires an attaching unit including a base unit having a bottom plate with a slot recessed from a periphery of the bottom plate, the bottom plate slidable underneath the button, and a lower latching structure protruding from the bottom plate and a snap-on unit having an upper latching structure on the interior surface of the snap-on unit for engaging with the lower latching structure of the bottom plate.

Applicant's Independent Claim 1 further requires a display object that is attachable to the snap-on unit.

GOULD does not disclose a display object as required by Applicant's claims. The display object required by Applicant may comprise a three dimensional object, such as a figurine or other similar object. The display object is a distinct element from the attaching unit, although the attaching unit and the display object may be integrally formed, the purpose of the display object is to render the hat more aesthetically pleasing. In contrast, GOULD discloses a device for covering and concealing a button consisting of a cylinder that is engaged with a horizontal plate. The horizontal plate is slidable under a button and the cylinder and horizontal plate are engaged to conceal the button. GOULD does not disclose the additional feature of a display object.

Further, Applicant's claims require an attaching unit having a base unit and a snap-on unit that are configured for latching engagement. However, GOULD requires a locking engagement in the form of prongs that protrude from the horizontal plate for engagement with cylindrical tubes that are adapted to have a recess to retain the prongs. Although GOULD discloses that the device is structurally adapted for securing the cylinder to the horizontal plate, GOULD does not disclose the latching engagement, as required by Applicant's claims. Therefore, GOULD does not disclose each and every element as required by the Applicant's claims.

C. Review of HERMAN

Herman is directed to an ornamental assembly for buttons and athletic shoes. *Col. 2, Lns. 3-6*. The assembly shown in *Figures 49-52*, as emphasized by the Examiner, specifically disclose a shoe assembly where the exterior covering of the shoe surface has an outwardly extending post and an ornamentation attached to the post. *See Figures 49-52*. The post has an outwardly extending projection therefrom, such as an insert collar, capable of receiving an ornamentation. *Col. 2, Lns. 40-47*. The ornamentation comprises a flexible cup-shaped member having a hollow center and a wall surrounding its periphery, the hollow center further capable of receiving the post. *Id.* The wall surrounding the periphery of the hollow center further has at least one protrusion extended from the periphery. *Col. 2, Lns.*

50-53. The ornamentation is capable of being secured to the projection by locking engagement of the protrusion of the wall surrounding the periphery of the hollow center and the projection of the post, in the absence of heat application. *Col. 2, Lns. 53 – 58.*

B. In re independent Claim 1 (and dependent Claims 5, 6 and 9)

The Examiner states that HERMAN discloses an accessory device comprising a base and a display object, with the base having an opening that extends at least partially through the base. The Examiner further states that the opening is sized so as to extend axially over and frictionally engage the button.

Applicant's Claim 1, as amended, requires an attaching unit including a base unit having a bottom plate with a slot recessed from a periphery of the bottom plate, the bottom plate slidable underneath the button, and a lower latching structure protruding from the bottom plate and a snap-on unit having an upper latching structure on the interior surface of the snap-on unit for engaging with the lower latching structure of the bottom plate.

HERMAN does not disclose an attaching unit having a base unit and a snap on unit as required by Applicant's claims. In contrast, HERMAN discloses a base unit in the form of a fabric covered button and a projection that is frictionally engaged with the button by snapping the projection over the button. Thus, HERMAN does not disclose the base unit having a bottom plate slidable under a button, as required by Applicant's claims. Further, the element of HERMAN indicated by the Examiner as the base unit is frictionally engaged with the projection. In contrast, Applicant's claims require a base unit in latching engagement with a snap-on unit. Therefore, HERMAN does not disclose each and every element as required by the Applicant's claims.

Traversal of Rejection Under 35 U.S.C. § 103(a)

Applicant traverses the rejection of Claims 11 through 13 under 35 U.S.C. § 103(a) as being unpatentable over GOULD in view of HERMAN.

A. In re dependent Claims 11-13

Claims 11-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over GOULD in view of HERMAN. Claims 11 through 13 depend either directly or indirectly from Independent Claim 1. Further each of Claims 11 through 13 recite additional features that further define the present invention embodied in Independent Claim 1. Thus, GOULD and HERMAN fail to teach or suggest at least the above-noted features of the instant invention.

Applicant therefore submits that the teachings of GOULD in view of HERMAN would not have suggested the invention as embodied in each of Claims 11 -13 to one skilled in the art. Therefore, the Applicant respectfully requests that the rejection of Claims 11 – 13 under 35 U.S.C. § 103(a) be withdrawn. Accordingly, the Applicant requests that the Examiner reconsider and indicate that such claims are allowable over the art of record.

Traversal of Objection to Claims 15 and 16

Applicant traverses the objection to Claims 15 and 16. The Examiner indicated that Claims 15 and 16 would be allowable if rewritten to include all limitations of the base claim and any intervening claims. Claims 15 depends from independent Claim 1 and Claim 16 depends from dependent Claim 15 which depends from independent Claim 1.

Applicant reiterates and resubmits its comments regarding independent Claim 1, which are detailed *supra*. In this regard, Applicant submits that Claims 15 and 16 should be allowed because they depend from an allowable base claim. Therefore, Applicant respectfully requests that the Examiner indicate that Claims 15 and 16 are allowable.

CONCLUSION

Applicant respectfully submits that each and every pending claim of the present invention meets the requirements for patentability and respectfully requests the Examiner to indicate allowance of each and every pending claim of the present invention.

Attorney Docket: NAMKU-080A
In response to the Office Action of November 1, 2006
Serial No. 10/645,368

In view of the foregoing, it is submitted that none of the references of record, when considered individually or in any proper combination thereof, anticipate or render obvious the Applicant's invention as recited in each of Claims 1, 2, 5, 6 and 9-16. The applied references of record have been discussed and distinguished, while claimed features of the present invention have been pointed out.

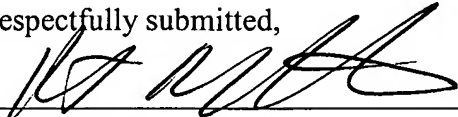
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